

Dec # 120216

46

DUANE L. BERRY

CASE No.

(Petitioner) 525 CLINTON
DETROIT, MI 48226

Case: 2:19-cv-10397

Judge: Murphy, Stephen J.

MJ: Stafford, Elizabeth A.

Filed: 02-08-2019 At 09:30 AM

HC DUANE BERRY V STATE OF MICHIGAN,
ET AL (LG)

V.

STATE OF MICHIGAN (Respx

DEPARTMENT OF HEALTH et al. /

(SEE ATTACHED CERTIFICATE OF SERVICE FOR ADDRESS AND COMPLETE NAMES)

PETITION FOR WRIT OF HABEAS CORPUSPARTIES

The (Petitioner) a FEDERAL inmate, DUANE L. BERRY # 62250019 is seeking HABEAS CORPUS relief on the grounds that the (Respondents) STATE OF MICHIGAN DEPARTMENT OF HEALTH, et al. have unlawfully confined him at the WAYNE COUNTY JAIL, 525 CLINTON ST., DETROIT MI 48226 by an ORDER of the 3RD CIRCUIT COURT ON AUGUST 31, 2018 in Case No. 17-005237 (STATE OF MICHIGAN V. BERRY) pending his FEDERAL action before this Court in Case No. 15-20743 (U.S.A. V. BERRY) and SIXTH CIRCUIT COURT OF APPEALS Case No. 17-2168. (SEE ATTACHED CERTIFICATE OF SERVICE)

The STATE COURT ORDER subsequently remanded the (Petitioner) to the custody of the STATE pursuant to MCL 330.2032 and the (Petitioner) is unable to appear before the ORDER of this Court ON FEBRUARY 19, 2019

in his pending actions.

JURISDICTION

This Court has exclusive and original jurisdiction in this action pursuant to 18 U.S.C. Section 3231 and 28 U.S.C. Section 1331.

FEDERAL QUESTIONS

① Did the State actors (Respondents) unlawfully remove the (Petitioners) from Federal Custody and Jurisdiction pending Federal Case No. 15-20743 and several Related Appeal Actions including but not limited to Case No. 17-2168 in violation of 18 U.S.C. section 3231? Answer - YES

② Did the (Respondents) actions consequently violate the (Petitioners) 5th, 6th, and 14th Amendment Rights to 'DUE' Process and a FAIR and SPEEDY TRIAL in both the FEDERAL and STATE venues? Answer - YES

2/4/2019

DATE

Respectfully Submitted,
DUANE L. BERRY
525 CLINTON ST.
Detroit, MI 48226

STATEMENT OF FACTS

- 1) The (Petitioner) DUANE L. BERRY has been in the jurisdiction of this Court since November 9, 2015 in which he made his initial appearance on Complaint (FALSE INFORMATION and HOAXES) before Magistrate Judge MONA K. MAJZOUN in case No. 2:15-mj-30528-DUTY. (SEE U.S.A. V. BERRY, No. 15-20743, dk# 3) (EXHIBIT - A)
- 2) ON November 9, 2015 Judge Majzoun also ordered BERRY to detention. (SEE U.S.A. V. BERRY, No. 15-20743, dk# 6)
- 3) ON August 30, 2016, after being held in FEDERAL detention after nearly NINE MONTHS District Court Judge DAVID M. LAWSON ordered the (Petitioner) to the COMMITMENT of the UNITED STATES ATTORNEY GENERAL pursuant to 18 U.S.C. section 4241(d). (SEE U.S.A. V. BERRY, No. 15-20743, dk# 45)
- 4) ON November 20, 2017, after more than two years in Federal custody BERRY filed a NOTICE of Appeal of the ORDER by Judge DAVID M. LAWSON to force Medicate the (Petitioner) while in the custody of the UNITED STATES ATTORNEY GENERAL. (SEE U.S.A. V. BERRY, No 15-20743, dk# 79) (SEE SIXTH Circuit Court of Appeals CASE No. 17-2168)

5) However, beginning on March 28, 2017 while in the custody of the UNITED STATES, pursuant to 18 U.S.C. Section 4241(d), being detained at the MIDLAND COUNTY JAIL by the UNITED STATES MARSHAL pending (Petitioner's) FEDERAL proceedings a series of illegal Writs of HABEAS Corpus were issued by the STATE of Michigan to unlawfully remove him from FEDERAL custody and jurisdiction to arraign BERRY and begin proceedings in the inferior state court against (Petitioner) in direct violation of 18 U.S.C. Section 3231. (SEE STATE of MI. v. BERRY, Case No. 15LO4661FY) (SEE STATE of MI. v. BERRY, Case No. 17-005237) (SEE STATE of MI. v. BERRY, Case No. 1706173701) (EXHIBIT - B/C)

6) More than several Writs were issued by the STATE of Michigan unlawfully removing the PETITIONER from FEDERAL custody and jurisdiction between MARCH 28, 2017 until December of 2018 from the MIDLAND COUNTY JAIL to the WAYNE COUNTY JAIL and Livonia Police Station in which BERRY began to seek civil redress against the state actors via the Inmate Grievance Process and Civil FEDERAL ACTION. (SEE BERRY v. NAPOLEON, et al., Case No. 18-10585) (EXHIBIT - D)

7.) ON December 19, 2018 in FEDERAL Appeal Action No. 17-2168, the SIXTH Circuit Court of APPEALS Reversed the district Court decision in FEDERAL Case No. 15-20743 and VACATED the order compelling BERRY to undergo forced Medication. (EXHIBIT - E)

8.) ON JANUARY 9, 2019 the FEDERAL District Court issued a NOTICE to APPEAR as to BERRY for a Status Conference set for JANUARY 17, 2019, However BERRY could not appear as he was now in the Custody of the inferior STATE of Michigan Court ORDER in Case No. 17-005237 in which the Court ordered him detained in the Custody of the STATE pursuant to MCL 330.2032 in which the STATE court committed BERRY to the Custody of the DEPARTMENT OF HEALTH, finding him incompetent to stand trial.

9.) ON JANUARY 17, 2019 the FEDERAL District Court set another Status Conference and a NOTICE To APPEAR as to BERRY for FEBRUARY 19, 2019 Regarding the Sixth Circuit Court of APPEALS decision, However the (PETITIONER) remains in

limbo under the STATE of Michigan's UNLAWFUL ORDER CURRENTLY detained at the WAYNE COUNTY JAIL.

MEMORANDUM OF LAW

- 10.) 18 U.S.C. section 3231 is very clear in determining FEDERAL JURISDICTION. IN short it states that in every FEDERAL CRIMINAL proceeding jurisdiction is maintained solely by the FEDERAL COURTS, having original jurisdiction.
- 11.) The STATE of MICHIGAN statute (MCL 600.4310) is also very clear in this matter. It states; "A person detained by virtue of any process issued by any COURT of the UNITED STATES, OR any judge thereof, in cases where where such courts or judges have exclusive jurisdiction under the laws of the UNITED STATES ... that person is NOT entitled to writs of HABEAS Corpus.
- 12.) Here it is clear and indisputable that the COURT of the UNITED STATES maintained exclusive and original jurisdiction, in action (U.S.A. v. BERRY, Case No. 15-20743), of the (PETITIONER) and the inferior state

Court and actors (Respondents) unlawfully removed him via illegal writs of HABEAS Corpus, during his FEDERAL proceedings also in criminal violations of 18 U.S.C. section 1501 "Obstruction of proceedings before Departments and Agencies of the UNITED STATES" and 18 U.S.C. section 1201 "Kidnapping", which is defined as "Anyone who unlawfully confines a person."

13.) IN the case (FRANK V. MANQU, 237 U.S. 309, NO question respecting the original jurisdiction of the trial court is raised. Consequently, the contention is and must be that the alleged fraud by the state actors deprived the FEDERAL trial court of jurisdiction, and the (Petitioner) his 5th, 6th, and 14th Amendment Right to DUE Process, and a FAIR and SPEEDY TRIAL in both FEDERAL and STATE proceedings.

14.) The Due Process Clause of the 5th and 14th Amendment are closely related yet distinctly different concerning the exhausting of Remedies of a state or FEDERAL inmate.

15.) The 14th Amendment governs any action of a State's violation of DUE PROCESS through its legislature, its courts, or its executive officers, whereas the 5th is governed via the FEDERAL process.

16.) A criminal prosecution procured by the State authorities without DUE PROCESS of law is typically found in violation of the 14th Amendment in which the inmate must exhaust his remedies in the state. However, in the instant action such is not the case. Although the (Petitioner) is in State custody as well as FEDERAL custody at the same time, the original and exclusive jurisdiction belongs to the UNITED STATES.

17.) Thus the State lacked the power to issue any writs of HABEAS Corpus during (Petitioner's) FEDERAL proceedings and thereby now also lacks the power to determine issues of relief. (SEE *Mooney v. Holohan*, S.C. 294 U.S. 103, 55 S. Ct 340, 79 L. Ed 791, 1935 U.S. LEXIS 40, 98 A.L.R. 406.

18.) It is manifest that the DUE PROCESS clause of the 14th Amendment was never intended to deprive FEDERAL courts generally of the power to hear and determine issues of fact and in so doing to decide which evidence is true and which evidence is false.

19.) Here it is clear and indisputable that the FEDERAL and STATE docket sheets, registers of actions, and the attached booking records and state issued writs of HABEAS Corpus are self-authenticating evidence that prove the facts concerning original jurisdiction and moreover are now entered into this court as FEDERAL EVIDENCE pursuant to FEDERAL RULES OF EVIDENCE RULE 902 and 1005.

CONCLUSION

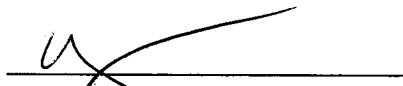
20.) WHEREAS, it is the duty of the Original FEDERAL Trial Court to provide the corrective judicial process for relief for (Petitioner) in both FEDERAL and STATE Venues as guaranteed to him under the 5th, 6th, and 14th Amendments. As the FEDERAL Court is not only the Court of last resort but continuing resort against the (Respondents) for civil redress or FEDERAL criminal prosecution.

21.) As it is more than likely that the (Petitioner's) FEDERAL action in Case No. 15-20743 will be dismissed as the (Petitioner) has already served the time for the offense, how be it in State custody. The fact still remains that a writ of HABEAS Corpus MUST be issued by the Court to return him before District judge DAVID M. LAWSON in his "NOTICE TO APPEAR" for (Petitioner) ON FEBRUARY 19, 2019 at 3 p.m.
(EXHIBIT - F)

22) However, in order for that to happen this court would effectively continue to violate the (Petitioner's) Due Process in the State venue in both cases (STATE OF MI. V. BERRY, CASE No. 15204661Fy and CASE No. 17-005237) and (STATE OF MI. V. BERRY, CASE No. 1706173701)

23) For this very reason, Congress has established 18 U.S.C. section 3231 to give a very clear and distinct balance of power concerning FEDERAL and STATE jurisdiction in order to maintain Constitutional Due Process, the power of the FEDERAL courts, and to reduce intrinsic fraud committed by state actors who only hold an inferior and subordinate authority.

24) WHEREAS, the (Petitioner) now respectfully request the Court to issue a Writ of HABEAS Corpus immediately releasing him from unlawful confinement, in both the FEDERAL and STATE Venues, by the (Respondents) as their actions have consequently deprived him of Due Process and a Fair and Speedy Trial in both venues simultaneously, and any further delay would continue to cause irreparable injury to (Petitioner).


Signature
[Notarization Not Required]

WAYNE COUNTY JAIL
525 CLINTON ST.
Detroit, MI 48206

DUANE L. BERRY
[Please Print Your Name Here]

CERTIFICATE OF SERVICE

I certify that on 2/4/2019 I served a copy of this Informal Brief on all parties, addressed as shown below:


Signature

- 1.) STATE OF MICHIGAN DEPARTMENT OF HEALTH
P.O. BOX 2060, ANN ARBOR, MI. 48106
- 2.) BENNY N. NAPOLEON (WAYNE COUNTY SHERIFF)
4747 Woodward, Detroit, MI. 48201
- 3.) SCOTT STEPHENSON (MIDLAND COUNTY SHERIFF)
2727 Rodd ST., MIDLAND, MI. 48640
- 4.) JOHN K. BUSH (6th Cir. APPEALS)
100 E. FIFTH ST., CINCINNATI, OH. 45202
- 5.) U.S. ATTORNEY GENERAL WILLIAM P. BARR
950 PENNSYLVANIA AVE N.W., WASHINGTON, D.C. 20530

EXHIBIT A

APPEAL

**U.S. District Court
Eastern District of Michigan (Detroit)
CRIMINAL DOCKET FOR CASE #: 2:15-cr-20743-DML-MKM-1**

Case title: United States of America v. Berry
Magistrate judge case number: 2:15-mj-30528-DUTY

Date Filed: 11/19/2015

Assigned to: District Judge David M.
Lawson
Referred to: Magistrate Judge Mona K.
Majzoub

Appeals court case numbers: 16-1413 U.S.
Court of Appeals - Sixth Circuit, 16-2744
U.S. Court of Appeals - Sixth Circuit, 17-
2168 U.S. Court of Appeals - Sixth Circuit

Defendant (1)

Duane Letroy Berry

represented by **Duane Letroy Berry**
14005
Wayne County Jail
570 Clinton St.
Detroit, MI 48226
PRO SE

Federal Defender
Federal Defender Office
613 Abbott
5th Floor
Detroit, MI 48226
313-967-5542
TERMINATED: 11/10/2015
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Craig A. Daly
615 Ford Building
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Detroit, MI 48226
313-963-1455

Fax: 313-961-4315
Email: 4bestdefense@sbcglobal.net
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Pending Counts

FALSE INFORMATION AND HOAXES
(1)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

Complaint

Disposition

Plaintiff

United States of America

represented by **Kevin Mulcahy**
U.S. Attorney's Office
211 W. Fort Street
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Detroit, MI 48226
313-226-9713
Fax: 313-226-2621
Email: kevin.mulcahy@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: U.S. Attorney

Date Filed	#	Docket Text
11/06/2015	<u>1</u>	COMPLAINT sworn before Magistrate Judge Elizabeth A. Stafford as to Duane Letroy Berry (1). (LHos) [2:15-mj-30528-DUTY] (Entered: 11/09/2015)
11/09/2015		Minute Entry for proceedings before Magistrate Judge Mona K. Majzoub: Initial

		Appearance as to Duane Letroy Berry held on 11/9/2015. Detention Hearing set for 11/12/2015 01:00 PM Disposition: Temporary Detention (Court Reporter: Digitally Recorded) (Defendant Attorney: Stacey Studnicki) (AUSA: Kevin Mulcahy) (LBar) [2:15-mj-30528-DUTY] (Entered: 11/09/2015)
11/09/2015	<u>3</u>	Audio File of Initial Appearance on Complaint as to Duane Letroy Berry held on 11/09/2015 before Magistrate Judge Mona K. Majzoub. AUDIO FILE SIZE (0.8 MB) (SOso) [2:15-mj-30528-DUTY] (Entered: 11/09/2015)
11/09/2015	<u>4</u>	Warrant for Arrest Returned Executed on 11/8/15 as to Duane Letroy Berry. (LHos) [2:15-mj-30528-DUTY] (Entered: 11/09/2015)
11/09/2015	<u>5</u>	ORDER APPOINTING FEDERAL DEFENDER as to Duane Letroy Berry. Signed by Magistrate Judge Mona K. Majzoub. (SOso) [2:15-mj-30528-DUTY] (Entered: 11/09/2015)
11/09/2015	<u>6</u>	ORDER OF TEMPORARY DETENTION as to Duane Letroy Berry Signed by Magistrate Judge Mona K. Majzoub. (SOso) [2:15-mj-30528-DUTY] (Entered: 11/09/2015)
11/10/2015	<u>7</u>	CJA 20 as to Duane Letroy Berry: Appointment of Attorney Craig A. Daly for Duane Letroy Berry, in place of Federal Defender. (SOso) [2:15-mj-30528-DUTY] (Entered: 11/12/2015)
11/13/2015		Minute Entry for proceedings before Magistrate Judge David R. Grand: Detention Hearing as to Duane Letroy Berry not held on 11/13/2015, (Preliminary Examination set for 11/23/2015 01:00 PM) Disposition: defendant consents to detention(Court Reporter: Digitally Recorded) (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (EBut) [2:15-mj-30528-DUTY] (Entered: 11/13/2015)
11/13/2015	<u>8</u>	Audio File of Proceedings as to Duane Letroy Berry held on 11/13/2015 before Magistrate Judge David R. Grand. AUDIO FILE SIZE (0.7 MB) (SOso) [2:15-mj-30528-DUTY] (Entered: 11/13/2015)
11/13/2015	<u>9</u>	ATTORNEY APPEARANCE: Craig A. Daly appearing for Duane Letroy Berry. (SOso) [2:15-mj-30528-DUTY] (Entered: 11/13/2015)
11/13/2015	<u>10</u>	CONSENT ORDER OF DETENTION PENDING TRIAL as to Duane Letroy Berry Signed by Magistrate Judge David R. Grand. (SOso) [2:15-mj-30528-DUTY] (Entered: 11/13/2015)
11/13/2015	<u>11</u>	MOTION to Dismiss w/ <i>Certificate of Service</i> by Duane Letroy Berry. (Attachments: # <u>1</u> Document Continuation) (Daly, Craig) [2:15-mj-30528-DUTY] (Entered: 11/13/2015)
11/19/2015	<u>12</u>	INDICTMENT as to Duane Letroy Berry (1) count(s) 1. (DPer) (Entered: 11/20/2015)
11/23/2015		Minute Entry for proceedings before Magistrate Judge Elizabeth A. Stafford: Arraignment as to Duane Letroy Berry (1) Count 1 held on 11/23/2015. Disposition: Not Guilty Plea Entered. Defendant Refused to sign Acknowledgment of Indictment. (Court Reporter: Digitally Recorded) (Defendant Attorney: Sam Churikien) (AUSA: April Russo) (MarW) Modified on 11/23/2015 (MarW). (Entered: 11/23/2015)

11/23/2015	<u>13</u>	» Audio File of Arraignment on Indictment as to Duane Letroy Berry held on 11/23/2015 before Magistrate Judge Elizabeth A. Stafford. AUDIO FILE SIZE (4.5 MB) (SOso) (Entered: 11/23/2015)
11/23/2015	<u>14</u>	ACKNOWLEDGMENT of Indictment by Duane Letroy Berry. (SOso) (Entered: 11/24/2015)
11/23/2015	<u>15</u>	SCHEDULING ORDER as to Duane Letroy Berry Motions due by 12/19/2015; Pretrial Conference set for 12/22/2015 at 2:00 PM; Plea due by 12/22/2015; Jury Trial set for 1/12/2016 at 8:30 AM before District Judge David M. Lawson. Signed by District Judge David M. Lawson. (SPin) (Entered: 11/24/2015)
12/11/2015	<u>16</u>	ORDER Denying Defendant's <u>11</u> Motion to Dismiss as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 12/11/2015)
12/15/2015	<u>17</u>	MOTION to dismiss by Duane Letroy Berry. (DPer) (Entered: 12/16/2015)
12/22/2015		Minute Entry for proceedings before District Judge David M. Lawson: Final Pretrial Conference Not Held as to Duane Letroy Berry.(Court Reporter: Rene Twedt) (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 12/22/2015)
12/22/2015	<u>18</u>	ORAL MOTION for Competency Hearing by United States of America as to Duane Letroy Berry. (SPin) (Entered: 12/22/2015)
12/23/2015	<u>19</u>	ORDER Granting Oral Motion for Competency Examination as to Duane Letroy Berry, Appointing Counsel, Adjourning Trial and Determining Excludable Delay. Time excluded from 12/22/2015 until the conclusion of the competency hearing. Signed by District Judge David M. Lawson. (SPin) (Entered: 12/23/2015)
01/22/2016	<u>23</u>	MOTION for reconsideration of venue due to extraordinary circumstances by Duane Letroy Berry. (DPer) (Entered: 02/01/2016)
01/25/2016	<u>20</u>	ORDER for Transportation of Defendant for Competency Evaluation as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 01/25/2016)
01/25/2016	<u>21</u>	ORDER Requiring Response to <u>17</u> Motion to Dismiss as to Duane Letroy Berry. Response due on or before 2/15/2016. Signed by District Judge David M. Lawson. (SPin) (Entered: 01/25/2016)
01/26/2016	<u>22</u>	NOTICE concerning fraud on the Court by Duane Letroy Berry. (DPer) (Entered: 01/27/2016)
02/15/2016	<u>24</u>	RESPONSE by United States of America as to Duane Letroy Berry re <u>17</u> MOTION to Dismiss (Mulcahy, Kevin) (Entered: 02/15/2016)
02/22/2016	<u>25</u>	RESPONSE to Petition for Writ of Mandamus as to by Duane Letroy Berry filed by the Honorable David M. Lawson. (SPin) (Entered: 02/22/2016)
02/22/2016	<u>26</u>	STIPULATED ORDER regarding Pretrial Services Report as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 02/22/2016)

02/29/2016	<u>27</u>	Letter from Duane Letroy Berry (SSch) (Entered: 03/02/2016)
05/25/2016	<u>28</u>	NOTICE TO APPEAR as to Duane Letroy Berry: Competency Hearing set for 6/2/2016 at 2:00 PM before District Judge David M. Lawson. (SPin) (Entered: 05/25/2016)
05/31/2016	<u>29</u>	MOTION to Adjourn <i>Competency Hearing and Certificate of Service</i> by Duane Letroy Berry. (Daly, Craig) (Entered: 05/31/2016)
05/31/2016	<u>30</u>	NOTICE to Recuse Judge by Duane Letroy Berry (SSch) (Entered: 06/01/2016)
06/02/2016		Set/Reset Deadlines/Hearings as to Duane Letroy Berry: Competency Hearing reset for 6/27/2016 at 9:30 AM before District Judge David M. Lawson. (SPin) (Entered: 06/02/2016)
06/03/2016	<u>31</u>	ORDER GRANTING MOTION TO ADJOURN COMPETENCY HEARING as to Duane Letroy Berry. Time excluded from 6/2/2016 until 6/27/2016. Defendant's Response due on or before 6/20/2016. Competency Hearing reset for 6/27/2016 at 9:30 AM before District Judge David M. Lawson. Signed by District Judge David M. Lawson. (SPin) (Entered: 06/03/2016)
06/09/2016	<u>32</u>	WRIT OF ERROR by Duane Letroy Berry. (DPer) (Entered: 06/10/2016)
06/16/2016	<u>33</u>	MOTION for <i>Independent Evaluation for Competency to Stand Trial and for a Competency Hearing, Brief in Support, and Certificate of Service</i> by Duane Letroy Berry. (Daly, Craig) (Entered: 06/16/2016)
06/22/2016	<u>34</u>	ORDER Granting Defendant's <u>33</u> Motion for an Independent Competency Evaluation and Competency Hearing as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 06/22/2016)
06/22/2016	<u>35</u>	ORDER Allowing Psychological Examiner to Enter Jail Facilities and to Bring in Testing Equipment as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 06/22/2016)
06/22/2016		TEXT-ONLY NOTICE: Competency Hearing on 6/27/2016 is Cancelled re <u>31</u> Order as to Duane Letroy Berry. (SPin) (Entered: 06/22/2016)
06/22/2016	<u>36</u>	MOTION to dismiss by Duane Letroy Berry. (DPer) (Entered: 06/23/2016)
06/23/2016	<u>37</u>	Judicial NOTICE by Duane Letroy Berry (LHos) (Entered: 06/24/2016)
06/28/2016	<u>38</u>	ORDER Denying <u>30</u> Notice (Motion) for Recusal filed by Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 06/28/2016)
06/28/2016		TEXT-ONLY CERTIFICATE OF SERVICE re <u>38</u> Order as to Duane Letroy Berry. Documents mailed to Duane Letroy Berry Pris. No. 257551a at 65 N. Elk, Sandusky, MI 48471. (SPin) (Entered: 06/28/2016)
07/05/2016	<u>39</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 16-1171] (Ahmed, N) (Entered: 07/05/2016)
07/07/2016	<u>41</u>	NOTICE of Correction re 40 Appeal Order/Opinion/Judgment as to Duane Letroy

		Berry. (Ahmed, N) (Entered: 07/07/2016)
07/21/2016	<u>42</u>	Judicial NOTICE by Duane Letroy Berry (SSch) (Entered: 07/22/2016)
07/21/2016	<u>43</u>	Judicial NOTICE of Fraud by Duane Letroy Berry (SSch) (Entered: 07/22/2016)
07/28/2016	<u>44</u>	NOTICE TO APPEAR as to Duane Letroy Berry: Competency Hearing set for 8/25/2016 at 10:00 AM before District Judge David M. Lawson. (SPin) (Entered: 07/28/2016)
08/25/2016		Minute Entry for proceedings before District Judge David M. Lawson: Competency Hearing as to Duane Letroy Berry held on 8/25/2016. Disposition: Defendant declared incompetent. (Court Reporter: Rene Twedt) (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 08/25/2016)
08/30/2016	<u>45</u>	ORDER OF COMMITMENT to Attorney General Upon Finding Defendant Not Competent to Stand Trial as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 08/30/2016)
09/09/2016	<u>46</u>	MOTION for status conference by Duane Letroy Berry. (DPer) (Entered: 09/14/2016)
09/09/2016	<u>47</u>	AFFIDAVIT of immunity by Duane Letroy Berry (DPer) (Entered: 09/14/2016)
09/15/2016	<u>48</u>	ORDER Denying <u>46</u> Motion for Status Conference as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 09/15/2016)
09/26/2016	<u>49</u>	ORDER for Transportation of Defendant Duane Letroy Berry for Confinement and Treatment. Signed by District Judge David M. Lawson. (SPin) (Entered: 09/26/2016)
10/03/2016	<u>50</u>	AFFIDAVIT by Duane Letroy Berry; with attachments (DPer) (Entered: 10/03/2016)
10/04/2016	<u>51</u>	JUDICIAL NOTICE by Duane Letroy Berry (DPer) (Entered: 10/04/2016)
10/18/2016	<u>52</u>	ORDER Extending Time for Competency Evaluation as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 10/18/2016)
10/25/2016	<u>53</u>	MOTION to vacate confinement order and dismiss indictment by Duane Letroy Berry. (DPer) (Entered: 10/26/2016)
12/06/2016	<u>54</u>	NOTICE OF APPEAL by Duane Letroy Berry re <u>45</u> Order. Fee Status: No Fee Paid. (DPer) (Entered: 12/07/2016)
12/07/2016	<u>55</u>	Certificate of Service re <u>54</u> Notice of Appeal as to Duane Letroy Berry. (DPer) (Entered: 12/07/2016)
01/09/2017	<u>56</u>	ORDER Requiring Supplemental Briefing as to Duane Letroy Berry. Briefs due by 1/23/2017. Signed by District Judge David M. Lawson. (SPin) (Entered: 01/09/2017)
01/23/2017	<u>57</u>	SUPPLEMENTAL BRIEF re <u>56</u> Order Requiring Responsive Pleading by Duane Letroy Berry <i>Regarding Whether Administration of Anti-Psychotic Medication is Appropriate and Certificate of Service</i> (Daly, Craig) (Entered: 01/23/2017)
01/23/2017	<u>58</u>	SUPPLEMENTAL BRIEF re <u>56</u> Order Requiring Responsive Pleading by United States of America as to Duane Letroy Berry (Mulcahy, Kevin) (Entered: 01/23/2017)

01/24/2017	<u>59</u>	RESPONSE to <u>58</u> Supplemental Brief <i>and Certificate of Service</i> by Duane Letroy Berry (Daly, Craig) (Entered: 01/24/2017)
02/02/2017	<u>60</u>	NOTICE TO APPEAR as to Duane Letroy Berry: <i>Sell</i> Hearing set for 2/15/2017 at 3:00 PM before District Judge David M. Lawson. (SPin) (Entered: 02/02/2017)
02/15/2017		Minute Entry for proceedings before District Judge David M. Lawson: Miscellaneous Hearing held on 2/15/2017 as to Duane Letroy Berry. (Court Reporter: Rene Twedt) (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 02/15/2017)
02/24/2017	<u>61</u>	MOTION to dismiss by Duane Letroy Berry. (DPer) (Entered: 02/27/2017)
04/26/2017	<u>62</u>	NOTICE TO APPEAR as to Duane Letroy Berry: Status Conference set for 5/1/2017 at 11:00 AM before District Judge David M. Lawson. (SPin) (Entered: 04/26/2017)
05/01/2017		Minute Entry for proceedings before District Judge David M. Lawson: Status Conference as to Duane Letroy Berry held on 5/1/2017. (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 05/01/2017)
05/04/2017	<u>63</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry re <u>54</u> Notice of Appeal [Appeal Case Number 16-2744] (Ahmed, N) (Entered: 05/04/2017)
05/08/2017	<u>65</u>	Ex Parte APPLICATION for Subpoena by Duane Letroy Berry. (BGar) (Entered: 05/19/2017)
05/09/2017	<u>64</u>	ORDER for Evidentiary Hearing on the Issue of Whether the Administration of Antipsychotic Medication is Appropriate. Evidentiary Hearing set for 6/1/2017 at 10:00 AM before District Judge David M. Lawson. Signed by District Judge David M. Lawson. (SPin) (Entered: 05/09/2017)
05/09/2017		Reset Hearing as to Duane Letroy Berry: Evidentiary Hearing reset for 6/1/2017 at 2:00 PM (TIME CHANGE ONLY) before District Judge David M. Lawson. (SPin) (Entered: 05/09/2017)
05/22/2017		Set/Reset Deadlines as to Duane Letroy Berry: Motion Hearing reset for 6/1/2017 at 1:00 PM (TIME CHANGE ONLY) before District Judge David M. Lawson. (SPin) (Entered: 05/22/2017)
05/24/2017	<u>66</u>	MOTION for recusal by Duane Letroy Berry. (DPer) (Entered: 05/24/2017)
05/24/2017	<u>67</u>	ORDER Denying <u>65</u> Application for Subpoena filed by Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 05/24/2017)
05/25/2017		Set/Reset Deadlines/Hearings as to Duane Letroy Berry: Evidentiary Hearing reset for 6/1/2017 at 1:00 PM (TIME CHANGE ONLY) before District Judge David M. Lawson. (SPin) (Entered: 05/25/2017)
06/01/2017	<u>68</u>	SECOND ORDER denying <u>66</u> Motion for Recusal as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 06/01/2017)
06/01/2017		Minute Entry for proceedings before District Judge David M. Lawson: <i>Sell</i> Hearing

		held on 6/1/2017 as to Duane Letroy Berry. Disposition: Under advisement. (Court Reporter: Rene Twedt) (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 06/02/2017)
06/05/2017	<u>69</u>	ORDER Granting Parties' Request to Submit Briefs Regarding <i>Sell</i> Factors. Signed by District Judge David M. Lawson. (SPin) (Entered: 06/06/2017)
06/13/2017	<u>70</u>	MOTION to vacate committed order to the custody of the Attorney General pursuant to 18 U.S.C. 4241(d) and to dismiss indictment by Duane Letroy Berry. (DPer) (Entered: 06/20/2017)
06/28/2017	<u>71</u>	ORDER Denying <u>70</u> Motion to Vacate and to Dismiss as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 06/29/2017)
07/10/2017	<u>73</u>	NOTICE OF APPEAL by Duane Letroy Berry re <u>71</u> Order. Fee Status: No Fee Paid. (DPer) (Entered: 07/25/2017)
07/12/2017	<u>72</u>	TRANSCRIPT of Competency Hearing held on 06/01/2017 as to Duane Letroy Berry. (Court Reporter/Transcriber: Rene L Twedt) (Number of Pages: 140) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 8/2/2017. Redacted Transcript Deadline set for 8/14/2017. Release of Transcript Restriction set for 10/10/2017. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Twedt, R) (Entered: 07/12/2017)
07/25/2017	<u>74</u>	Certificate of Service re <u>73</u> Notice of Appeal as to Duane Letroy Berry. (DPer) (Entered: 07/25/2017)
07/26/2017	<u>75</u>	SUPPLEMENTAL BRIEF re <u>69</u> Order by Duane Letroy Berry <i>and Certificate of Service</i> (Attachments: # <u>1</u> Document Continuation) (Daly, Craig) (Entered: 07/26/2017)
07/26/2017	<u>76</u>	SUPPLEMENTAL BRIEF re <u>72</u> Transcript,,, by United States of America as to Duane Letroy Berry <i>Government's Post-Sell Hearing Brief Regarding Forced Medication</i> (Mulcahy, Kevin) (Entered: 07/26/2017)
08/03/2017	<u>77</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry re <u>54</u> Notice of Appeal [Appeal Case Number 16-2744] (Ahmed, N) (Entered: 08/03/2017)
08/31/2017	<u>78</u>	ORDER Authorizing Administration of Medication as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (SPin) (Entered: 08/31/2017)
09/26/2017	<u>79</u>	NOTICE OF APPEAL by Duane Letroy Berry re <u>78</u> Order. Fee Status: No Fee Paid. (BGar) (Entered: 09/27/2017)
09/27/2017	<u>80</u>	Certificate of Service re <u>79</u> Notice of Appeal as to Duane Letroy Berry. (BGar) (Entered: 09/27/2017)
09/28/2017	<u>81</u>	JUDICIAL NOTICE of Lack of Jurisdiction by Duane Letroy Berry. (Ahmed, N)

		(Entered: 10/02/2017)
10/24/2017	<u>82</u>	NOTICE of Outrageous Government Criminal Misconduct by Duane Letroy Berry (Krause, S) (Entered: 10/26/2017)
12/04/2017	<u>83</u>	JUDICIAL NOTICE by Duane Letroy Berry (SSch) (Entered: 12/05/2017)
12/04/2017	<u>84</u>	JUDICAL NOTICE of Forclosures by Duane Letroy Berry (SSch) (Entered: 12/05/2017)
12/14/2017	<u>85</u>	MOTION to set aside and Vacate re <u>78</u> Order by Duane Letroy Berry. (SSch) (Entered: 12/14/2017)
12/15/2017	<u>86</u>	MOTION to Vacate Order <u>78</u> Due to Non-Jurisdiction by Duane Letroy Berry. (SPin) (Entered: 12/21/2017)
12/21/2017	<u>87</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry re <u>79</u> Notice of Appeal [Appeal Case Number 17-2168] (SKra) (Entered: 12/21/2017)
12/21/2017	<u>88</u>	ORDER Denying <u>85</u> Motion to Set Aside and Vacate Orders of Civil Commitment and Authorizing Administration of Mediation. Signed by District Judge David M. Lawson. (SPin) (Entered: 12/21/2017)
12/21/2017		TEXT-ONLY CERTIFICATE OF SERVICE re <u>88</u> Order on Motion - Free as to Duane Letroy Berry. Documents mailed to Duane Berry Pris. No. 62250019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 12/21/2017)
01/02/2018	<u>89</u>	AMENDED ORDER Denying Defendant's Motion to Set Aside and Vacate Orders of Civil Commitment and Authorizing Administration of Medication. Signed by District Judge David M. Lawson. (SPin) (Entered: 01/02/2018)
01/02/2018		TEXT-ONLY CERTIFICATE OF SERVICE re <u>89</u> Order as to Duane Letroy Berry. Documents mailed to Duane Berry Pris. No. 62250-019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 01/02/2018)
01/03/2018	<u>90</u>	ORDER Denying <u>86</u> Motion to Vacate Order Due to Non-Jurisdiction as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 01/03/2018)
01/03/2018		TEXT-ONLY CERTIFICATE OF SERVICE re <u>90</u> Order on Motion - Free as to Duane Letroy Berry. Documents mailed to Duane Berry Pris. No. 62250-019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 01/03/2018)
02/14/2018	<u>97</u>	NOTICE OF APPEAL by Duane Letroy Berry re <u>89</u> Amended order. Fee Status: No Fee Paid. (DPer) (Entered: 02/26/2018)
02/15/2018	<u>91</u>	MOTION for recusal of Judge David M. Lawson by Duane Letroy Berry. (DPer) (Entered: 02/16/2018)
02/21/2018	<u>92</u>	MOTION to dismiss by Duane Letroy Berry. (DPer) (Entered: 02/23/2018)
02/23/2018	<u>93</u>	ORDER Denying <u>91</u> Motion for Recusal as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 02/23/2018)

02/23/2018		TEXT-ONLY CERTIFICATE OF SERVICE re <u>93</u> Order on Motion for Recusal as to Duane Letroy Berry. Documents mailed to Duane Berry Pris. No. 62250-019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 02/23/2018)
02/23/2018	<u>94</u>	TRANSCRIPT of Status Conference held on 12/22/2015 as to Duane Letroy Berry. (Court Reporter/Transcriber: Rene L Twedt) (Number of Pages: 16) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 3/16/2018. Redacted Transcript Deadline set for 3/26/2018. Release of Transcript Restriction set for 5/24/2018. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Twedt, R) (Entered: 02/23/2018)
02/23/2018	<u>95</u>	TRANSCRIPT of Competency Hearing held on 08/25/2016 as to Duane Letroy Berry. (Court Reporter/Transcriber: Rene L Twedt) (Number of Pages: 61) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 3/16/2018. Redacted Transcript Deadline set for 3/26/2018. Release of Transcript Restriction set for 5/24/2018. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Twedt, R) (Entered: 02/23/2018)
02/23/2018	<u>96</u>	TRANSCRIPT of Status Conference held on 02/15/2017 as to Duane Letroy Berry. (Court Reporter/Transcriber: Rene L Twedt) (Number of Pages: 16) (Appeal Purposes) The parties have 21 days to file with the court and Court Reporter/Transcriber a Redaction Request of this transcript. If no request is filed, the transcript may be made remotely electronically available to the public without redaction after 90 days. Redaction Request due 3/16/2018. Redacted Transcript Deadline set for 3/26/2018. Release of Transcript Restriction set for 5/24/2018. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date, the transcript is publicly available. (Twedt, R) (Entered: 02/23/2018)
02/26/2018	<u>98</u>	Certificate of Service re <u>97</u> Notice of Appeal as to Duane Letroy Berry. (DPer) (Entered: 02/26/2018)
02/28/2018	<u>99</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 17-1856] (DWor) (Entered: 02/28/2018)
03/05/2018	<u>100</u>	NOTICE OF APPEAL by Duane Letroy Berry re <u>93</u> Order. Fee Status: No Fee Paid. (DPer) (Main Document 100 replaced on 3/7/2018) (DPer). (Entered: 03/07/2018)
03/07/2018	<u>101</u>	Certificate of Service re <u>100</u> Notice of Appeal as to Duane Letroy Berry. (DPer) (Entered: 03/07/2018)
03/15/2018	<u>102</u>	ORDER Dismissing <u>92</u> Motion to Dismiss as to Duane Letroy Berry (1). Signed by

		District Judge David M. Lawson. (SPin) (Entered: 03/15/2018)
03/15/2018		TEXT-ONLY CERTIFICATE OF SERVICE re <u>102</u> Order on Motion to Dismiss as to Duane Letroy Berry. Documents mailed to Duane Berry Pris. No. 62250-019 at Midland County Jail, 105 Fast Ice Dr., Midland, MI 48042. (SPin) (Entered: 03/15/2018)
03/21/2018	<u>103</u>	NOTICE OF APPEAL by Duane Letroy Berry re <u>102</u> Order on Motion to Dismiss. Fee Status: No Fee Paid. (SKra) (Entered: 03/22/2018)
03/23/2018	<u>104</u>	Certificate of Service re <u>103</u> Notice of Appeal as to Duane Letroy Berry. (SKra) (Entered: 03/23/2018)
03/28/2018	<u>105</u>	NOTICE OF APPEAL by Duane Letroy Berry re <u>102</u> Order on Motion to Dismiss. Fee Status: No Fee Paid. (NAhm) (Entered: 04/03/2018)
04/03/2018	<u>106</u>	Certificate of Service re <u>105</u> Notice of Appeal as to Duane Letroy Berry. (NAhm) (Entered: 04/03/2018)
04/03/2018	<u>107</u>	MOTION for Relief from Judgment or Order re <u>102</u> Order on Motion to Dismiss by Duane Letroy Berry. (NAhm) (Entered: 04/04/2018)
04/05/2018	<u>108</u>	ORDER Denying <u>107</u> Motion as to Duane Letroy Berry (1) for Relief from Judgment. Signed by District Judge David M. Lawson. (SPin) (Entered: 04/05/2018)
04/05/2018		TEXT-ONLY CERTIFICATE OF SERVICE re <u>108</u> Order on Motion - Free as to Duane Letroy Berry. Documents mailed to Duane Letroy Berry Pris. No. 62250-019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 04/05/2018)
04/09/2018	<u>109</u>	COPY of <u>104</u> Certificate of service mailed to Duane Letroy Berry and returned as undeliverable (DPer) (Entered: 04/10/2018)
04/13/2018	<u>110</u>	NOTICE OF APPEAL by Duane Letroy Berry re <u>108</u> Order. Fee Status: No Fee Paid. (DPer) (Entered: 04/24/2018)
04/13/2018	<u>112</u>	MOTION for appointment of counsel and termination of Attorney Craig A. Daly by Duane Letroy Berry. (DPer) (Entered: 04/24/2018)
04/24/2018	<u>111</u>	Certificate of Service re <u>110</u> Notice of Appeal as to Duane Letroy Berry. (DPer) (Entered: 04/24/2018)
04/26/2018	<u>113</u>	ORDER Denying <u>112</u> Motion to Appoint Counsel as to Duane Letroy Berry (1). Signed by District Judge David M. Lawson. (SPin) (Entered: 04/26/2018)
04/26/2018		TEXT-ONLY CERTIFICATE OF SERVICE re <u>113</u> Order on Motion to Appoint Counsel as to Duane Letroy Berry. Documents mailed to Duane Letroy Berry Pris. No. 62250-019 at 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 04/26/2018)
05/03/2018	<u>114</u>	JUDICIAL NOTICE by Duane Letroy Berry. (NAhm) (Entered: 05/08/2018)
05/04/2018	<u>115</u>	NOTICE OF APPEAL by Duane Letroy Berry re <u>113</u> Order on Motion to Appoint Counsel. Fee Status: No Fee Paid. (NAhm) (Entered: 05/09/2018)

05/09/2018	<u>116</u>	Certificate of Service re <u>115</u> Notice of Appeal as to Duane Letroy Berry. (NAhm) (Entered: 05/09/2018)
06/05/2018	<u>117</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 18-1257] (DWor) (Entered: 06/06/2018)
06/07/2018	<u>118</u>	CERTIFICATE OF SERVICE by Duane Letroy Berry. (SPin) (Entered: 06/13/2018)
06/15/2018	<u>119</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 18-1533] (DWor) (Entered: 06/15/2018)
06/22/2018	<u>120</u>	MOTION to dismiss by Duane Letroy Berry. (DPer) (Entered: 06/26/2018)
07/16/2018	<u>121</u>	NOTICE of Change of Address/Contact Information by Duane Letroy Berry. (NAhm) (Entered: 07/17/2018)
08/10/2018	<u>122</u>	MOTION for response re <u>120</u> Motion to dismiss by Duane Letroy Berry. (DPer) (Entered: 08/13/2018)
08/22/2018	<u>123</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 18-1221] (DWor) (Entered: 08/22/2018)
08/22/2018	<u>124</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 18-1506] (DWor) (Entered: 08/22/2018)
09/17/2018	<u>125</u>	MOTION for Hearing in Support of Motion to Dismiss by Duane Letroy Berry. (NAhm) (Entered: 09/18/2018)
09/24/2018	<u>126</u>	[STRICKEN PER 09/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (Attachments: # <u>1</u> Document Continuation, # <u>2</u> Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation, # <u>5</u> Document Continuation, # <u>6</u> Document Continuation, # <u>7</u> Document Continuation, # <u>8</u> Document Continuation, # <u>9</u> Document Continuation, # <u>10</u> Document Continuation) (DPer) (Additional attachment(s) added on 9/27/2018: # <u>11</u> Document Continuation) (DPer). Modified on 9/27/2018 (DPer). (Entered: 09/27/2018)
09/24/2018	<u>127</u>	[STRICKEN PER 09/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (PART II) (Attachments: # <u>1</u> Document Continuation, # <u>2</u> Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation) (DPer) Modified on 9/27/2018 (DPer). (Entered: 09/27/2018)
09/24/2018	<u>128</u>	[STRICKEN PER 9/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (PART III) (Attachments: # <u>1</u> Document Continuation, # <u>2</u> Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation) (DPer) Modified on 9/27/2018 (DPer). (Entered: 09/27/2018)
09/24/2018	<u>129</u>	[STRICKEN PER 09/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (PART IV) (Attachments: # <u>1</u> Document Continuation, # <u>2</u> Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation) (DPer) Modified on 9/27/2018 (DPer). (Entered: 09/27/2018)
09/24/2018	<u>130</u>	[STRICKEN PER 09/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (PART V) (Attachments: # <u>1</u> Document Continuation, # <u>2</u>

		Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation) (DPer) Modified on 9/27/2018 (DPer). (Entered: 09/27/2018)
09/24/2018	<u>131</u>	[STRICKEN PER 09/27/18 ORDER] EXHIBITS (tax returns) in support of document <u>122</u> by Duane Letroy Berry (PART VI) (Attachments: # <u>1</u> Document Continuation, # <u>2</u> Document Continuation, # <u>3</u> Document Continuation, # <u>4</u> Document Continuation) (DPer) Modified on 9/27/2018 (DPer). (Entered: 09/27/2018)
09/27/2018	<u>132</u>	ORDER striking exhibits <u>126</u> , <u>127</u> , <u>128</u> , <u>129</u> , <u>130</u> and <u>131</u> as to Duane Letroy Berry. Signed by District Judge David M. Lawson. (DPer) (Entered: 09/27/2018)
09/27/2018	<u>133</u>	ORDER denying <u>122</u> Motion for response and <u>125</u> Motion for hearing as to Duane Letroy Berry (1). (subpoenas affixed to <u>125</u> Motion for hearing are quashed) Signed by District Judge David M. Lawson. (DPer) (Entered: 09/28/2018)
09/28/2018		TEXT-ONLY CERTIFICATE OF SERVICE re <u>132</u> Order to Strike on 9/27/2018 and <u>133</u> Order on Motion on 9/28/2018 as to Duane Letroy Berry. Documents mailed to Duane Berry, 62250-019, Midland County Jail, 105 Fast Ice Drive, Midland, MI 48042. (SPin) (Entered: 10/01/2018)
10/04/2018	<u>134</u>	ORDER from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry [Appeal Case Number 18-1355] (DWor) (Entered: 10/04/2018)
11/15/2018	<u>135</u>	Judicial Notice of Bank of America's Foreclosure filed by Duane Letroy Berry. (ATee) Modified on 12/19/2018 (ATee). (Entered: 11/16/2018)
12/19/2018	<u>136</u>	OPINION and JUDGMENT from U.S. Court of Appeals - Sixth Circuit as to Duane Letroy Berry re <u>79</u> Notice of Appeal [Appeal Case Number 17-2168] (DWor) (Entered: 12/19/2018)
01/09/2019	<u>137</u>	NOTICE TO APPEAR as to Duane Letroy Berry: Status Conference set for 1/17/2019 at 10:30 AM before District Judge David M. Lawson in Chambers 1051 without Defendant. (SPin) (Entered: 01/09/2019)
01/17/2019		Minute Entry for proceedings before District Judge David M. Lawson: Status Conference as to Duane Letroy Berry held on 1/17/2019. (Defendant Attorney: Craig Daly) (AUSA: Kevin Mulcahy) (SPin) (Entered: 01/17/2019)
01/17/2019	<u>138</u>	NOTICE TO APPEAR as to Duane Letroy Berry: Status Conference set for 2/19/2019 at 3:00 PM before District Judge David M. Lawson in Chambers 1051. (SPin) (Entered: 01/17/2019)

PACER Service Center			
Transaction Receipt			
01/18/2019 11:54:58			
PACER Login:	letroyberry:5579613:0	Client Code:	
Description:	Docket Report	Search	2:15-cr-20743-DML-

EXHIBIT B

REGISTER OF ACTIONS

CASE NO. 17-005237-01-FH

PARTY INFORMATION				
Defendant	Berry, Duane Leroy	Lead Attorneys S. Allen Early Retained (313) 962-2320(W)		
Plaintiff	State of Michigan	Khalid H. Najar (313) 224-5777(W)		
CHARGE INFORMATION				
Charges: Berry, Duane Leroy		Statute	Level	Date
1. Malicious Destruction of Building - \$1,000 00 Ormore But Less Than \$20,000 00		7503803A	.	11/03/2015
EVENTS & ORDERS OF THE COURT				
DISPOSITIONS				
04/28/2017	Plea (Judicial Officer: Scherr, Barbara J.) 1. Malicious Destruction of Building - \$1,000 00 Ormore But Less Than \$20,000 00 Defendant Stand Mute: Plea of Not Guilty Entered by Court			
OTHER EVENTS AND HEARINGS				
11/05/2015	Recommendation for Warrant			
11/05/2015	Habitual Offender			
11/06/2015	Warrant Signed			
04/28/2017	Arraignment on Warrant (9:00 AM) (Judicial Officer Scherr, Barbara J.) Parties Present Result: Defendant Stands Mute; Plea Of Not Guilty Entered By Court			
04/28/2017	Interim Condition for Berry, Duane Leroy - Cash or Surety \$100,000.00			
05/11/2017	Preliminary Examination (9:00 AM) (Judicial Officer Ziolkowski, Robert L.) Parties Present Result: Continued			
05/18/2017	Preliminary Examination (9:00 AM) (Judicial Officer Kavanagh, Sean P) Parties Present Result: Continued			
06/08/2017	Preliminary Examination (9:00 AM) (Judicial Officer Kavanagh, Sean P) Parties Present Result: Adjourned at the Request of the Court			
06/15/2017	Bindover Packet			
06/15/2017	Bound Over			
06/15/2017	Preliminary Examination (9:00 AM) (Judicial Officer Kavanagh, Sean P) Parties Present Result: Held: Bound Over			
06/15/2017	Bond Continued			
06/22/2017	Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) Parties Present Result: Adjourned at the Request of the Court			
07/13/2017	Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) Parties Present Result: Adjourned at the Request of the Court			
07/14/2017	Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) Parties Present Result: Adjourned at the Request of the Court			
07/18/2017	Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) Parties Present Result: Adjourned at the Request of the Court			
07/19/2017	Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret) Parties Present Result: Defendant Stands Mute; Plea Of Not Guilty Entered By Court			
07/19/2017	Order For A Competency Evaluation			
07/19/2017	Order For Criminal Responsibility			

07/19/2017 **Arraignment On Information (9:00 AM) (Judicial Officer Hathaway, Dana Margaret)**
Parties Present
Result: Adjourned at the Request of the Court

07/19/2017 **Attorney Appointed**

01/25/2018 **Competency Hearing (9:00 AM) (Judicial Officer Hathaway, Dana Margaret)**
Parties Present
10/25/2017 Reset by Court to 01/25/2018
Result: Adjourned at the Request of the Court

03/12/2018 **Motion**

04/16/2018 **Motion to Dismiss**

05/31/2018 **Competency Hearing (9:00 AM) (Judicial Officer Hathaway, Dana Margaret)**
Parties Present
04/26/2018 Reset by Court to 05/31/2018
Result: Adjourned at the Request of the Court

07/20/2018 **Appearance By A Retained Attorney Filed**

07/20/2018 **Proof of Service, Filed**

07/25/2018 **Miscellaneous, Filed**

07/25/2018 **Proof of Service, Filed**

08/20/2018 **Motion to Dismiss**

08/20/2018 **Proof of Service, Filed**

08/31/2018 **Competency Hearing (9:00 AM) (Judicial Officer Roberson, Dalton A)**
Parties Present
Result: Held

08/31/2018 **Motion to Dismiss**

08/31/2018 **Order (Judicial Officer: Roberson, Dalton A)**

08/31/2018 **Competency Report Received**

08/31/2018 **Order Finding Defendant Incompetent**

11/29/2018 **Miscellaneous, Filed**

03/01/2019 **Competency Hearing (9:00 AM) (Judicial Officer Hathaway, Dana Margaret)**

EXHIBIT C

STATE OF MICHIGAN 36TH JUDICIAL DISTRICT ORI820365J PIN: 2017-10745	REGISTER OF ACTIONS	CASE NO: 1706173701 D01 FY STATUS: PEND
JUDGE OF RECORD: ADAMS, LYDIA NANCE, P-51424 JUDGE: ADAMS, LYDIA NANCE, P-51424		

STATE OF MICHIGAN v

BERRY/DUANE/LETROY
38742 BRAMHAM
CLINTON TOWNSHIP MI 48038

CTN: 821771504401

TCN: W218203051K

SID:

ENTRY DATE: 11/08/17

OFFENSE DATE: 07/04/08 900 PM

VPN:

CDL: U

PAPER PLATE:

DOB: 12/23/1977 SEX: M RACE: B DLN: MI B600155512972
VEH YR: VEH MAKE: VIN:

VEHICLE TYPE:

DEFENSE ATTORNEY ADDRESS

SCHWARTZ, JEFFREY G.,

28411 NORTHWESTERN HWY

STE 930

SOUTHFIELD

MI 48034

OFFICER: DUPUIS KELLY

BAR NO.

P-32076

Telephone No.

(313) 965-8168

DEPT: 0013001

PROSECUTOR: BROOKINS, NATALIE FR

VICTIM/DESC: DILLARD/BRITTINI/

P-76349

COUNT 1 C/M/F: F 750520B1C

PACC#750.520B1C

CRIMINAL SEXUAL CONDUCT-1ST DEGREE (DURING FELONY)

ARRAIGNMENT DATE: 01/09/18 PLEA: MUTE & NGBC PLEA DATE: 01/09/18

FINDINGS: DISPOSITION DATE:

SENTENCING DATE:

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE:

PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

BOND HISTORY:

3,000,000.00 CASH OR SURETY BOND CONTINUED

COUNT 2 C/M/F: F 750520B1C

PACC#750.520B1C

CRIMINAL SEXUAL CONDUCT-1ST DEGREE (DURING FELONY)

ARRAIGNMENT DATE: 01/09/18 PLEA: PLEA DATE:

FINDINGS: DISPOSITION DATE:

SENTENCING DATE:

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE:

PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

COUNT 3 C/M/F: F 750349

PACC#750.349

KIDNAPPING

ARRAIGNMENT DATE: 01/09/18 PLEA: PLEA DATE:

FINDINGS: DISPOSITION DATE:

SENTENCING DATE:

FINE	COST	ST.COST	CON	MISC.	REST	TOT FINE	TOT DUE
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

JAIL SENTENCE:

PROBATION:

VEH IMMOB START DATE:

NUMBER OF DAYS:

VEH FORFEITURE:

NAME: BERRY/DUANE/LETROY

CASE NO: 1706173701 PAGE 2

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
07/04/08		
1	ORIGINAL CHARGE CSC-1ST DEGR	437
2	ORIGINAL CHARGE CSC-1ST DEGR	437
3	ORIGINAL CHARGE KIDNAPPING	437
10/16/17		
1	AUTHORIZATION OF COMPLAINT DATE PROS BROOKINS, NATALIE FR	437 P-76349 437
11/08/17		
	FILING DATE 110817	437
1	COMPLAINT ISSUANCE DATE MAG ECHARTEA, LAURA A., WARRANT ENTRY REQUESTED 110817 348P SYSIDNO (20:) GENERATED BY LEIN 46490220	437 437 P-41489 437 253
	WARRANT ENTERED INTO LEIN	253
	LEIN 2ND PARTY CHECK DONE FOR WARRANT ENTRY	253
01/09/18		826
	WARRANT CANCELLATION REQUESTED 10918 906A	548
	MISCELLANEOUS ACTION ALL COUNTS	548
	DEFENDANT SCHEDULED FOR ARRAIGNMENT CRTRM 134 (L.BROWN)	548
	WARRANT CANCELLATION ACCEPTED 10918 907A	548
	WARRANT CANCELED FROM LEIN	548
	TCN ADDED	495
	MISCELLANEOUS ACTION ALL COUNTS	495
	SCHEDULED FOR ARRAIGNMENT 010918 1030A SHERMAN, MILLICENT D	P-55767 495
1	PRETRIAL RELEASE ORDER GENERATED CSC-1ST DEGR	087
	ARRAIGNMENT HELD CSC-1ST DEGR	087
	MAG SHERMAN, MILLICENT D	P-55767 087
	STOOD MUTE AND PLEA OF NOT GUILTY ENTERED BY COURT	087
	SCHEDULED FOR PROBABLE CAUSE CONFERENCE 011618 830A ADAMS, LYDIA NANCE,	P-51424 087
	SCHEDULED FOR EXAMINATION 012318 900A ADAMS, LYDIA NANCE,	P-51424 087
	CASH OR SURETY	087
	BOND SET \$3000000.00	087
	NO CONTACT WITH VICTIM, DIRECTLY OR INDIRECTLY	087
	VIDEO RECORDING	087
	3 MILLION CASH/SURETY	087
	BOND CONDITIONS IN LEIN	087
01/16/18		
	PROCEEDING HELD ALL COUNTS	073
	JDG ADAMS, LYDIA NANCE,	P-51424 073
	PROS QUADER, SALMAAN TAHE	P-73649 073
	ATT SCHWARTZ, JEFFREY G.	P-32076 073
	REMOVED FROM CALENDAR 012318 900A ADAMS, LYDIA NANCE,	P-51424 073
	SCHEDULED FOR PROBABLE CAUSE CONFERENCE 012518 830A ADAMS, LYDIA NANCE,	P-51424 073
	BOND CONTINUED	073
	COURT REPORTER: F. COLEMAN-JORDAN CER/CSR/RPR #3466	073

NAME: BERRY/DUANE/LETROY

CASE NO: 1706173701 PAGE 3

DATE	ACTIONS, JUDGMENTS, CASE NOTES	INITIALS
01/25/18	ADJOURNMENT REQUESTED BY DEFENDANT'S ATTORNEY	073
	ADJOURNMENT REQUESTED BY PROSECUTOR'S OFFICE	073
	PROCEEDING HELD ALL COUNTS	073
	JDG ADAMS, LYDIA NANCE,	P-51424 073
	PROS BROOKINS, NATALIE FR	P-76349 073
	ATT SCHWARTZ, JEFFREY G.	P-32076 073
	SCHEDULED FOR PROBABLE CAUSE CONFERENCE	
	042618 830A ADAMS, LYDIA NANCE,	P-51424 073
	BOND CONTINUED	073
	COURT REPORTER: B. TOMASI CSR #3098	073
04/26/18	ADJOURNMENT REQUESTED BY DEFENDANT'S ATTORNEY	073
	ADJOURNMENT REQUESTED BY PROSECUTOR'S OFFICE	073
	WAITING COMPETENCY REGARDING A FEDERAL AND STATE CASE.	073
	FORENSIC REPORT ON COMPLAINANT IS NOT READY	073
	PROCEEDING HELD ALL COUNTS	073
	JDG ADAMS, LYDIA NANCE,	P-51424 073
	PROS BROOKINS, NATALIE FR	P-76349 073
	ATT SCHWARTZ, JEFFREY G.	P-32076 073
	SCHEDULED FOR PROBABLE CAUSE CONFERENCE	
	053118 900A ADAMS, LYDIA NANCE,	P-51424 073
	BOND CONTINUED	073
	COURT REPORTER: A. PILLOW CSR #5665	073
	ADJOURNMENT REQUESTED BY DEFENDANT'S ATTORNEY	073
	ADJOURNMENT REQUESTED BY PROSECUTOR'S OFFICE	073
	COMPETENCY HEARING PENDING IN CIRCUIT AND FEDERAL COURT.	073
		073

***** END OF REGISTER OF ACTIONS ***** 05/29/18 10:11

EXHIBIT D

Approved, SCAO

Original - Court
1st copy - Custodial officer
2nd copy - Transport officer3rd copy - Prosecutor
4th copy - Return

16th STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	WRIT OF HABEAS CORPUS	CASE NO. 15L04661FY
--	-----------------------	----------------------------

Court address

32765 FIVE MILE RD. LIVONIA MI 48154

Court telephone no.

734-466-2500

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

TO: MIDLAND COUNTY JAIL, the agency or person having custody of

BERRY, DUANE LETROY

90937

12-23-1977

Name

I.D. no.

Date of birth

☒ To bring prisoner to court in the case of:

People of

v

STATE OF MICHIGAN

BERRY, DUANE LETROY

☐ To inquire into detention/custody of:

IT IS ORDERED:

- ☐ 1. Answer this writ, stating the authority under which you ☐ restrain the prisoner. ☐ exercise custody over the minor child. File your answer with the ☐ court ☐ judge by _____ Date _____
- ☒ 2. Deliver the person named in this writ into the custody of LIVONIA POLICE DEPARTMENT Name/Title/Agency
- for: ☒ the prosecution of MDOB \$1,000-\$2,000 750.03803A ☒ felony. ☐ misdemeanor. Charge and MCL citation or PACC code
- ☐ EXAMINATION HEARING Specify purpose (witness testimony, etc.). _____

Immediately after the prisoner completes his/her appearance, the prisoner shall be returned to your custody.

- ☒ 3. Bring the person named in this writ before the Honorable JUDGE SEAN P. KAVANAGH 35676 Name Bar no.
- at 32765 FIVE MILE RD. LIVONIA MI 48154 on JUNE 15, 2017 at 10:00AM Location of court Date Time
- Bring this writ with you.

- ☐ 4. Produce the prisoner via compatible two-way interactive video technology for the purpose indicated above on _____ Date _____ at _____ Time _____

- ☐ 5. Fees are allowed in the amount of \$ _____

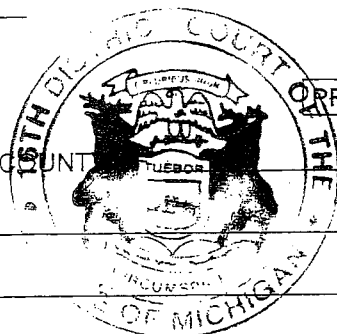
Date

6-13-17

Judge

Bar no.

35676



PROOF OF SERVICE

STATE OF MICHIGAN, COUNTY OF _____

I certify that on _____ Date _____

corpus on _____ Name _____

Time _____

I personally served the original writ of habeas

Date

Signature

MC 203 (5/16) WRIT OF HABEAS CORPUS

MCL 600.4301 et seq., MCR 3.304

007

(984)832-4612

Approved: 5/2/17

STATE OF MICHIGAN
THIRD JUDICIAL CIRCUIT
WAYNE COUNTY

WRIT OF HABEAS CORPUS

IN THE NAME OF THE PEOPLE OF THE STATE OF MICHIGAN:

TO: Midland County Sheriff's Dept; 101 East Lee, Dr., Midland, MI 48642

CUSTODY OF Duane Letroy Berry

THE AGENCY OR PERSON HAVING
12/23/1977
Date of birth

☒ To bring prisoner to court in the case of:
People of the State of Michigan
v
Duane Letroy Berry

☐ To inquire into detention/custody of:

YOU ARE ORDERED to:

1. ☐ Answer this writ, stating the authority under which you
File your answer with the ☐ court ☐ judge by _____ Date _____
☐ restrain the named prisoner.
exercise custody over the minor child.

2. ☒ Deliver the person named in this writ into the custody of Wayne County Sheriff's Dept.; WCI
for: ☒ the prosecution of MCL 750.3803A MDOP <\$20,000 ☒ felony. ☐ misdemeanor.
☒ Assignment to Detention
Specify purpose (witness testimony, etc.).

Immediately after the prisoner completes his/her appearance, the prisoner shall be returned to your custody.

3. ☒ Bring the person named in this writ before the Honorable
at Courthouse 701 1441 St. Antoine, Detroit, MI 48224, on 07/13/2017 at 8:30 a.m. m
Bring this writ with you.

Clerk of the Court
By: [Signature]

06/23/2017
Date

CERTIFICATE OF ALLOWANCE OF WRIT

I, Dana Margaret Hathaway, P. 68588, certify that the above writ of habeas corpus
Name of judge Bar no.
was allowed by me on 06/23/2017
Date ☐ Fees are allowed in the amount of \$ _____

Judge [Signature] Dana Margaret Hathaway

MC 203 (5/16) WRIT OF HABEAS CORPUS

MCL 600.4301 et seq., MCR 3.304

025



Booking Sheet

BERRY, DUANE

Print Date/Time: 11/6/2017



WAYNE COUNTY SHERIFF'S OFFICE

ORI Number: MI8218200



2017-00014799

Booking #: 2017-00014799

Jacket #: 196757

Sid#

FBI #

Address: 28500 N.E.W. HWY 344 SOUTHFIELD, MI

Booking Date/Time: 07/11/2017 21:34:16

Classification Level:

Scheduled Release Date:

Weight: 170.0 DOB: 12/23/1977 Race: Black
 SSN: Age: 39
 Hair Color: Black Eyes: Brown Sex: Male
 Height: 6ft 11in

Prisoner Type: Pretrial Felon

Incarceration Reason:

Facility:

Pod/Block:

Cell:

Bed:

Release Date/Time: 07/20/2017 09:58:24

Released By: 3903 MEINHEIT

Release Reason: WS- WRIT SATISFIED

Released To:

Released to ORI:

Released To Additional Info: ON WRIT FROM MIDLAND
 CO. SHERIFFS - HOLD FOR US MARSHALS - NO
 BOND - CONTACT 989-832-6605

Alert Type	Alert Description	Alert Effective Date	Alert Expiration Date
------------	-------------------	----------------------	-----------------------

No Kitchen Work

NO KIT WK

02/27/2013 16:34:10

Alert Priority
1

Charge: WAYNE COUNTY SHERIFF'S OFFICE

State / 29000 / 750.3803A / MALICIOUS DESTRUCTION OF BUILDING - \$1000 OR MORE BUT LESS THAN \$20000 Charge Disposition: **WS-
 WRIT SATISFIED**

Offense/Charge Date/Time: 07/11/2017 21:36:23

Court Date/Time:

Case Tracking ORI: MI8218200

Case Tracking Number: 17-005237-01-FH

Court:

Bond/Bail Set Type: Remand

Bond/Bail Set Date: 07/11/2017

Docket Number: 17-005237-01-FH

Bond Post Comment:

Bond Post Date:

Bond/Bail Set Amounts: \$0.00/\$0.00

Bond Post Amount:

Out Date:



Inmate Grievance Response Form

2 Dept Sup Review



Print Date/Time: 01/23/2019 10:22
Login ID: 5120
Grievance Number: 2019-00000034

WAYNE COUNTY SHERIFF'S OFFICE
ORI Number: MI8218200

To: BERRY, DUANE - 09 A4-14 4-Annex DIV 2
Inmate's Name and Location

From: 5119 - CRAWFORD
Staff Supervisor

Grievance Details: PLEASE SEE ATTACH

NOT GETTING RESPONSE TO GRIEVANCE

Response to Grievance dated: 01/10/2019 16:01 **Received by:** 5119 - CRAWFORD

Response: Reviewed. There are two grievances on file for you, this grievance (2019-0034) and grievance number (2019-0043). Ms. Rose will provide you with copies of your grievance responses for both grievances.

Also, I have forwarded to Dir.of Classification for review and response.

Signature

Date



INMATE GRIEVANCE FORM

Inmate Name: DUANE Bepay Jail ID# 2013-07354 Ward: 1303 Date: 12/27

Received By: Bum Date: 1/7/19 Time: _____
Staff Print Your Name

Nature of Grievance:

I have filed several grievances over the last several months in regards to my (WRIT) here to the County Jail.

Inmate Effort to Resolve with Staff (Explain):

Please Check my file and give me the RESPONSE to the previous grievances as I have been unable to obtain because I always get (WRIT out)

(Attach Additional Sheets if Necessary)

Inmate Signature: [Signature] Date: 12/27 QAA Initial/Date: [Initials] 1/7/19
Reviewed/Processed

Grievance Response

Referral To: Director Crawford Date: 1/7/19

Answer: _____

Investigated By: _____ Date: _____

Supervisor's Signature: _____ Date: _____

() Appeal to Director or Designee Date: _____

Response to Appeal: _____

By: _____ Date: _____ JD #11 (Revised 7/10/09)

To
Sergeant 18-43WAYNE COUNTY SHERIFF'S OFFICE
INMATE GRIEVANCE FORMInmate Name: DUANE L. BERRYWCJ ID# 2019-027384Inmate Ward DIV 2 14 414Date: 1-9-19

Nature of Grievance:

I have filed several grievances in regards to my unlawfully issued writ from federal custody here at the Wayne County Jail over the last several months. I have not received any response. Please provide copies of grievances and responses for FEDERAL COURT - see attached civil action no. 19-10585 (BERRY v. Napoleon)

Inmate Signature: [Signature]Date: 1-9-19Grievance Received By: MS. ROSEDate: 1-9-19

Grievance Response

Referral To: Dir. CrawfordDate: 1-9-19

Answer:

Investigated By: _____

Date: _____

Noted and Approved

Supervisor's Signature: _____

Date: _____

() Appeal to Director or Designee

Date: _____

Response to Appeal: _____

By: _____

Date: _____

(Attach Additional Sheets if Necessary)

CP (Revised 3/1/2013)

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DUANE LETROY BERRY,

Plaintiff,

-v-

**BENNY N. NAPOLEON,
DANA M. HATHAWAY,
SEAN P. KAVAHAGH, and
LYDIA N. ADAMS,**

Defendants.

Case No. 2:18-cv-10585

Judge: Arthur J. Tarnow

MJ: Stephanie Dawkins Davis

Duane Leroy Berry
In Pro Se
105 Fast Ice Drive
Midland, MI 48642

Ellen Sharf (P37711)
Attorney for Defendant Dana M. Hathaway
Office of the General Counsel
Associate General Counsel-Civil Division
742 Coleman A. Young Municipal Center
2 Woodward Avenue
Detroit, MI 48226
(313) 224-8805
ellen.sharf@3rdcc.org

**DEFENDANT DANA M. HATHAWAY'S BRIEF IN SUPPORT OF
MOTION TO QUASH SUBPOENA OF FEBRUARY 20, 2018**

CONCISE STATEMENT OF ISSUES PRESENTED

1. Whether the subpoena of February 20, 2018 seeks information that is irrelevant.

EXHIBIT E

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

No. 17-2168

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

DUANE LETROY BERRY,
Defendant-Appellant.

FILED
Dec 19, 2018
DEBORAH S. HUNT, Clerk

Before: MERRITT, CLAY, and BUSH, Circuit Judges.

JUDGMENT

On Appeal from the United States District Court
for the Eastern District of Michigan at Detroit.

THIS CAUSE was heard on the record from the district court and was argued by counsel.

IN CONSIDERATION THEREOF, it is ORDERED that the district court's order compelling Duane Letroy Berry to be involuntarily medicated is REVERSED and VACATED.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk

EXHIBIT F

CRAIG A. DALY, P.C.
Attorney at Law

FORD BUILDING
615 GRISWOLD, SUITE 820
DETROIT, MICHIGAN 48226
313 963-1455

January 18, 2019

Duane Berry, Subject #196757
Wayne County Jail
525 Clinton Street
Detroit, Michigan 48226

Re: *U.S.A. vs. Berry, File No. 15-30528*

Dear Mr. Berry:

Enclosed is a copy of the Sixth Circuit decision in your case. The government has until February 2, 2019 to decide if they will seek a rehearing. If they do not, I expect that your case likely will be dismissed in the district court.

Sincerely,



Craig A. Daly, P.C.

CAD/mdz

enclosure

CIVIL COVER SHEET FOR PRISONER CASES

Case No. 19-10397		Judge: Stephen J. Murphy, III	Magistrate Judge: Elizabeth A. Stafford
Name of 1st Listed Plaintiff/Petitioner: DUANE L. BERRY		Name of 1st Listed Defendant/Respondent: STATE OF MICHIGAN ET AL	
Inmate Number: 62250-019		Additional Information:	
Plaintiff/Petitioner's Attorney and Address Information:			
Correctional Facility: MIDLAND COUNTY JAIL 101 East Ice Dr. Midland, 48642			

BASIS OF JURISDICTION

- ☐ 2 U.S. Government Defendant
☒ 3 Federal Question

ORIGIN

- ☒ 1 Original Proceeding
☐ 5 Transferred from Another District Court
☐ Other:

NATURE OF SUIT

- ☒ 530 Habeas Corpus
☐ 540 Mandamus
☐ 550 Civil Rights
☐ 555 Prison Conditions

FEE STATUS

- ☐ IFP *In Forma Pauperis*
☒ PD Paid

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes ☒ No

> If yes, give the following information:

Court: _____

Case No: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes ☒ No

> If yes, give the following information:

Court: _____

Case No: _____

Judge: _____